## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

AMBIX INTERNATIONAL, INC., a Florida Corporation,	)
Plaintiff,	) 8:04CV342
vs.	) ORDER
SAV-RX, L.L.C.,	)
a Nebraska Corporation, and	)
MELALEUCA, INC.,	)
an Idaho Corporation,	)
	)
Defendants.	)

This matter is before the court on the defendant Sav-Rx, LLC's Motion for Leave to File Amended Answer to Amended Complaint (Filing No. 72). Sav-Rx seeks to amend its answer to include the affirmative defense of accord and satisfaction. Sav-Rx filed an affidavit (Filing No. 73) and the proposed amended answer (Filing No. 74) with the motion. See NECivR 15.1(a). Sav-Rx represents the plaintiff has no objection to the instant motion. Sav-Rx notes the motion was filed well after the deadline for amendments. However, Sav-Rx contends the reason for the amendment is based on discovery which took place after the deadline for amending pleadings, but that no additional discovery is necessary. On December 19, 2005, the other defendant, Melaleuca, Inc., amended its answer, with leave of court, to include the affirmative defenses of accord and satisfaction, equitable estoppel and indemnity. See Filing No. 56. Upon consideration and for good cause shown,

## IT IS ORDERED:

Sav-Rx, LLC's Motion for Leave to File Amended Answer to Amended Complaint (Filing No. 72) is granted. Sav-Rx, LLC shall have to on or before **January 18, 2006**, to file the amended answer.

DATED this 13th day of January, 2006.

BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge